

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Ashley, Robert	Examiner:	Susan T. Tran
Serial No.:	10/757,656	Group Art Unit:	1615
Confirmation No:	3939	Docket:	512-53 DIV
Filed:	January 14, 2004	Dated:	January 19, 2007
For:	METHODS OF TREATING ACNE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**  
**TO OBTAIN A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))**

**1. Identification of Person Making this Disclaimer (Disclaimerant)**

I, Irving N. Feit,  
represent that I am

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☒ an attorney of record for this invention.

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- ☐ Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**ELECTRONIC FILING SYSTEM**

- ☒ Transmitted by electronic filing system to the Patent and Trademark Office

  
Signature

Diana L. Guido

Date: January 19, 2007

## 2. Identity of Assignee

The assignee of this invention is: CollaGenex Pharmaceuticals, Inc., having an address at: 41 University Drive, Suite 200, Newtown, PA 18940.

## 3. Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns or represents is in:

- ☒ the whole of the invention.  
☐ a sectional interest in this invention, as follows:

## 4. Recordation of Assignment in USPTO

- ☒ An assignment of the above-identified interest was recorded in the USPTO on August 20, 2002, at Reel 013204, Frame 0282.  
☐ Authorization for recordation of an assignment of the above-identified interest is attached hereto, together with a separate assignment document cover sheet (Form PTO 1595).

## 5. Establishing Right of Assignee to Take Action

- ☐ Attached is a Certificate Under 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.

## 6. Disclaimer

The terminal part of the statutory term of any patent granted on the present application identified above, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patent No. 7,014,858, as presently shortened by any terminal disclaimer,  
☒ Any patent granted on Application Serial Nos. 10/117,709 and 11/061,866,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the present application shall be enforceable only for, and during, such period that the legal title to the patent granted on the present application shall be the same as the legal title to the specified patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the present application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent specified herein in the event that the latter patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title identified above.

7. Fee status

A fee is due under 37 CFR 1.20(d):

☐ Other than a small entity--fee \$110.00.

☒ Small entity--fee \$65.00.

A verified statement claiming small entity status:

☐ is attached.

☒ was filed on January 14, 2004.

8. Fee Payment

☐ Attached is a check in the sum of \$ \_\_\_\_.

☒ Charge Account No. 08-2461 the sum of \$ 65.00.

A duplicate of this transmittal is attached.

Please charge Deposit Account 08-2461 for any deficiency, or credit same for any overpayment.

9. Declaration

☐ As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 19, 2007



\_\_\_\_\_  
Signature of Disclaimant

\_\_\_\_\_  
Signature of Attorney of Record  
Irving N. Feit, Esq.  
HOFFMANN & BARON, L.L.P.  
6900 Jericho Turnpike  
Syosset, New York 11791  
Tel: (516) 822-3550  
Fax: (516) 822-3582

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

232109\_1